

Executive Summary – Enforcement Matter – Case No. 44478
Magellan Terminals Holdings, L.P.
RN102536836
Docket No. 2012-1333-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Corpus Christi Terminal, located at 1802 Poth Lane, approximately 250 feet northwest of the intersection of Interstate Highway 37 and Poth Lane, Corpus Christi, Nueces County

Type of Operation:

Bulk petroleum storage terminal

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 14, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,409

Amount Deferred for Expedited Settlement: \$1,481

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$5,928

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

**Executive Summary – Enforcement Matter – Case No. 44478
Magellan Terminals Holdings, L.P.
RN102536836
Docket No. 2012-1333-IWD-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: May 25, 2012
Date(s) of NOE(s): June 15, 2012

Violation Information

Failed to comply with permitted effluent limitations for total zinc, total petroleum hydrocarbons, total lead, oil & grease; and pH [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0002070000 Effluent Limitations and Monitoring Requirements Nos. 1 and 2].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require Respondent to, within 90 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: JR Cao, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2543; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: Melanie A. Little, Vice President of Operations, Magellan Terminals Holdings, L.P., P.O. Box 21899, Tulsa, Oklahoma 74121
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	25-Jun-2012	Screening	2-Jul-2012	EPA Due	
	PCW	2-Jul-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	Magellan Terminals Holdings, L.P.		
Reg. Ent. Ref. No.	RN102536836		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	44478	No. of Violations	1
Docket No.	2012-1333-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	JR Cao
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$1,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **61.0%** Enhancement **Subtotals 2, 3, & 7** **\$610**

Notes: Enhancement recommended for one NOV with same/similar violations, two NOVs with dissimilar violations, and 11 months of self-reported effluent violations. Reduction for three NOIs.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts **\$1,281**
Approx. Cost of Compliance **\$10,000**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$1,610**

OTHER FACTORS AS JUSTICE MAY REQUIRE **-3.1%** **Adjustment** **-\$50**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Reduction in penalty to prevent double-enhancement of self-reported violations.

Final Penalty Amount **\$1,560**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$1,560**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$312**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **\$1,248**

Screening Date 2-Jul-2012

Docket No. 2012-1333-IWD-E

PCW

Respondent Magellan Terminals Holdings, L.P.

Policy Revision 2 (September 2002)

Case ID No. 44478

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102536836

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	12	60%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 61%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement recommended for one NOV with same/similar violations, two NOVs with dissimilar violations, and 11 months of self-reported effluent violations. Reduction for three NOIs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 61%

Screening Date 2-Jul-2012

Docket No. 2012-1333-IWD-E

PCW

Respondent Magellan Terminals Holdings, L.P.

Policy Revision 2 (September 2002)

Case ID No. 44478

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102536836

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002070000 Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as documented during a record review conducted on May 25, 2012, and shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

31 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

One quarterly event is recommended for the quarter containing the month of May 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,281

Violation Final Penalty Total \$1,560

This violation Final Assessed Penalty (adjusted for limits) \$1,560

Economic Benefit Worksheet

Respondent Magellan Terminals Holdings, L.P.

Case ID No. 44478

Reg. Ent. Reference No. RN102536836

Media Water Quality

Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$10,000	31-May-2011	29-Mar-2013	1.83	\$61	\$1,220	\$1,281
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to evaluate the cause of the non-compliance and to implement corrective actions. Date required is the first date of non-compliance. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,281



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES

Assigned PCW

25-Jun-2012
2-Jul-2012

Screening

2-Jul-2012

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent Magellan Terminals Holdings, L.P.

Reg. Ent. Ref. No. RN102536836

Facility/Site Region 14-Corpus Christi

Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 44478

Docket No. 2012-1333-IWD-E

Media Program(s) Water Quality

Multi-Media

No. of Violations 1

Order Type 1660

Government/Non-Profit No

Enf. Coordinator JR Cao

EC's Team Enforcement Team 1

Admin. Penalty \$ Limit Minimum

\$0

Maximum

\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$3,750

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

61.0% Enhancement

Subtotals 2, 3, & 7 \$2,287

Notes

Enhancement recommended for one NOV with same/similar violations, two NOVs with dissimilar violations, and 11 months of self-reported effluent violations. Reduction for three NOIs.

Culpability

No

0.0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments

Subtotal 5 \$0

Economic Benefit

Total EB Amounts

\$0

Approx. Cost of Compliance

\$0

0.0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7

Final Subtotal \$6,037

OTHER FACTORS AS JUSTICE MAY REQUIRE

-3.1%

Adjustment -\$188

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Reduction in penalty to prevent double-enhancement of self-reported violations.

Final Penalty Amount \$5,849

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$5,849

DEFERRAL

20.0%

Reduction

Adjustment -\$1,169

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$4,680

Screening Date 2-Jul-2012

Docket No. 2012-1333-IWD-E

PCW

Respondent Magellan Terminals Holdings, L.P.

Policy Revision 3 (September 2011)

Case ID No. 44478

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102536836

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	12	60%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 61%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement recommended for one NOV with same/similar violations, two NOVs with dissimilar violations, and 11 months of self-reported effluent violations. Reduction for three NOIs.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 61%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 61%

Screening Date 2-Jul-2012

Docket No. 2012-1333-IWD-E

PCW

Respondent Magellan Terminals Holdings, L.P.

Policy Revision 3 (September 2011)

Case ID No. 44478

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102536836

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0002070000 Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on May 25, 2012, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 3

121 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

Three quarterly events are recommended for the quarters containing the months of October 2011, December 2011, February 2012, and March 2012.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$5,850

This violation Final Assessed Penalty (adjusted for limits) \$5,850

Economic Benefit Worksheet

Respondent Magellan Terminals Holdings, L.P.

Case ID No. 44478

Reg. Ent. Reference No. RN102536836

Media Water Quality

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit of accompanying PCW.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

EFFLUENT VIOLATION TABLE					
Magellan Terminals Holdings, L.P. TPDES Permit No. WQ00002070000 Docket No. 2012-1333-IWD-E					
	Months				
	May 2011	October 2011	December 2011	February 2012	March 2012
Total Zinc Daily Avg. Conc. Limit = 0.26 mg/L	0.3	c	c	c	c
Total Petroleum Hydrocarbons Daily Avg. Conc. Limit = 10 mg/L	c	c	c	c	14.8
Total Petroleum Hydrocarbons Daily Max. Conc. Limit = 15 mg/L	c	c	c	c	19
Total Lead Daily Avg. Conc. Limit = 0.16 mg/L	c	0.26	c	c	0.198
Total Lead Daily Max. Conc. Limit = 0.25 mg/L	c	0.29	c	0.42	0.49
Oil & Grease Daily Avg. Conc. Limit = 10 mg/L	c	c	c	c	15.2
Oil & Grease Daily Max. Conc. Limit = 15 mg/L	c	c	c	c	33
pH Max. Limit = 9 SU	c	c	9.3	c	c

Avg. = average
Conc. = concentration
Max. = maximum

mg/L = milligrams per liter
SU = Standard Units
c = compliant

Compliance History Report

Customer/Respondent/Owner-Operator: CN600134639 Magellan Terminals Holdings, L.P. Classification: AVERAGE Rating: 2.27
 Regulated Entity: RN102536836 CORPUS CHRISTI TERMINAL Classification: AVERAGE Site Rating: 0.45

ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD091698951
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	39033
	WASTEWATER	PERMIT	WQ0002070000
	WASTEWATER	EPA ID	TX0072737
	AIR NEW SOURCE PERMITS	REGISTRATION	22839
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	NE0003M
	AIR NEW SOURCE PERMITS	REGISTRATION	54903
	AIR NEW SOURCE PERMITS	AFS NUM	4835500098
	AIR NEW SOURCE PERMITS	PERMIT	56470
	AIR NEW SOURCE PERMITS	REGISTRATION	74701
	AIR NEW SOURCE PERMITS	REGISTRATION	76903
	AIR NEW SOURCE PERMITS	REGISTRATION	77051
	AIR NEW SOURCE PERMITS	REGISTRATION	90079
	AIR NEW SOURCE PERMITS	REGISTRATION	95522
	AIR OPERATING PERMITS	ACCOUNT NUMBER	NE0003M
	AIR OPERATING PERMITS	PERMIT	1255
	STORMWATER	PERMIT	TXR15UE24
	WASTE WATER GENERAL PERMIT	PERMIT	TXG830151
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	39033
	POLLUTION PREVENTION PLANNING	ID NUMBER	P03058
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	NE0003M

Location: at 1802 Poth Lane, approximately 250 feet northwest of the intersection of Interstate Highway 37 and Poth Lane in Corpus Christi, Nueces County, Texas

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: June 27, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 27, 2007 to June 27, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: JR Cao Phone: (512) 239-2543

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO

3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	03/20/2012	(1004417)	22	07/21/2008	(714120)
2	06/19/2012	(1008268)	23	08/11/2008	(714121)
3	04/20/2012	(1010988)	24	09/23/2008	(714122)
4	08/20/2007	(563344)	25	10/20/2008	(730143)
5	09/05/2007	(574191)	26	11/24/2008	(730144)
6	07/20/2007	(604256)	27	12/22/2008	(730145)
7	08/20/2007	(604257)	28	07/03/2009	(736475)
8	09/19/2007	(604258)	29	02/24/2009	(753351)
9	12/19/2007	(611759)	30	01/09/2009	(753352)
10	02/20/2008	(616703)	31	07/31/2009	(760100)
11	10/18/2007	(623254)	32	03/20/2009	(770843)
12	11/19/2007	(623255)	33	04/20/2009	(770844)
13	12/20/2007	(623256)	34	05/20/2009	(770845)
14	04/22/2008	(637592)	35	12/08/2009	(784724)
15	05/29/2008	(671588)	36	01/20/2010	(787271)
16	02/13/2008	(674606)	37	02/22/2010	(812395)
17	01/17/2008	(674607)	38	06/22/2009	(812396)
18	03/25/2008	(692935)	39	07/20/2009	(812397)
19	04/22/2008	(692936)	40	08/10/2009	(812398)
20	05/15/2008	(692937)	41	12/28/2009	(812399)
21	06/20/2008	(714119)	42	12/28/2009	(812400)

43	11/12/2009	(812401)	59	02/17/2011	(910055)
44	12/21/2009	(812402)	60	03/21/2011	(917255)
45	01/21/2010	(812403)	61	04/20/2011	(927761)
46	03/22/2010	(833570)	62	07/21/2011	(937270)
47	04/21/2010	(833571)	63	05/20/2011	(938948)
48	05/24/2010	(833572)	64	06/17/2011	(946328)
49	08/12/2010	(843178)	65	07/06/2011	(953607)
50	06/17/2010	(847097)	66	10/18/2011	(956097)
51	08/18/2010	(867892)	67	08/16/2011	(960224)
52	10/04/2010	(874832)	68	09/19/2011	(966278)
53	09/20/2010	(874833)	69	10/06/2011	(972292)
54	11/29/2010	(879259)	70	11/18/2011	(978452)
55	10/14/2010	(882428)	71	12/16/2011	(985263)
56	11/29/2010	(888871)	72	01/20/2012	(991543)
57	12/21/2010	(897232)	73	04/04/2012	(995573)
58	01/20/2011	(903135)	74	02/22/2012	(998890)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 03/31/2008 (692936) CN600134639
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2008 (730143) CN600134639
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2009 (770844) CN600134639
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/26/2009 (736475) CN600134639
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(1)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to certify compliance with the terms and conditions of Federal Operating Permit (FOP) No. O-01255 for at least each 12-month period following initial permit

issuance.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: General Terms and Conditions OP
Failure to include all instances of deviations in the semi-annual deviation report submitted for FOP O-01255.

Date: 07/31/2009 (760100) CN600134639

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Description: Failure to comply with notification requirements.

Date: 09/30/2009 (812400) CN600134639

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/20/2010 (787271) CN600134639

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limitations; No. 1, Pg. 2 PERMIT
Description: Failure to comply with the effluent limitations (total zinc) as specified in the permit.

Date: 08/31/2010 (874833) CN600134639

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2011 (910055) CN600134639

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2011 (946328) CN600134639

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2011 (978452) CN600134639

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2011 (991543) CN600134639

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/29/2012 (1004417) CN600134639

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2012 (1010988)

CN600134639

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

Notice of Intent Date: 01/16/2009 (726987)

No DOV Associated

Notice of Intent Date: 05/01/2009 (760009)

No DOV Associated

Notice of Intent Date: 09/13/2011 (969273)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MAGELLAN TERMINALS
HOLDINGS, L.P.
RN102536836**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-1333-IWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Magellan Terminals Holdings, L.P. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a bulk petroleum storage terminal located at 1802 Poth Lane, approximately 250 feet northwest of the intersection of Interstate Highway 37 and Poth Lane in Corpus Christi, Nueces County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 20, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seven Thousand Four Hundred Nine Dollars (\$7,409) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). The Respondent has paid Five Thousand Nine Hundred Twenty-Eight Dollars (\$5,928) of the administrative penalty and One Thousand Four Hundred Eighty-One Dollars (\$1,481) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002070000 Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as documented during a record review conducted on May 25, 2012 and shown in the table below:

EFFLUENT VIOLATION TABLE					
	Months				
	May 2011	October 2011	December 2011	February 2012	March 2012
Total Zinc Daily Avg. Conc. Limit = 0.26 mg/L	0.3	c	c	c	c
Total Petroleum Hydrocarbons Daily Avg. Conc. Limit = 10 mg/L	c	c	c	c	14.8
Total Petroleum Hydrocarbons Daily Max. Conc. Limit = 15 mg/L	c	c	c	c	19
Total Lead Daily Avg. Conc. Limit = 0.16 mg/L	c	0.26	c	c	0.198
Total Lead Daily Max. Conc. Limit = 0.25 mg/L	c	0.29	c	0.42	0.49
Oil & Grease Daily Avg. Conc. Limit = 10 mg/L	c	c	c	c	15.2
Oil & Grease Daily Max. Conc. Limit = 15 mg/L	c	c	c	c	33
pH Max. Limit = 9 SU	c	c	9.3	c	c

Avg. = average

Conc. = concentration

Max. = maximum

mg/L = milligrams per liter

SU = Standard Units

c = compliant

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Magellan Terminals Holdings, L.P., Docket No. 2012-1333-IWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0002070000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Martin Jr
For the Executive Director

3/14/13
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Melanie A. Little
Signature

10/15/12
Date

MELANIE A. LITTLE
Name (Printed or typed)
Authorized Representative of
Magellan Terminals Holdings, L.P.



VP, Operations
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.